

AMENDMENT UNDER 37 C.F.R. § 1.111

U.S. Appl. No.: 09/829,985

Attorney Docket No.: Q63469

REMARKS

In the present Amendment, claim 17 has been amended to recite --the layer A comprises an amorphous polyolefin, a thermoplastic elastomer and an inorganic filler selected from the group consisting of talc and zeolite-- and --at least one of the layer A and the layer B comprises, as a thermoplastic elastomer, polyolefin thermoplastic elastomer--. These amendments are supported by the specification, for example, claim 1; page 8, line 5 from the bottom to page 9, line 3; and Examples 1, 3 and 4.

Claims 19-27 have been added as new claims. Claims 19-24 are supported by claims 4, 5, 7, 9, 11 and 12 respectively. Claims 25-27 are supported by the specification, for example, on page 14, lines 13 to 20 and on page 9, lines 15 to 20, respectively.

Claims 1-16 and 18 have been canceled.

No new matter has been added and entry of the Amendment is respectfully submitted to be proper. Upon entry of the Amendment, claims 17 and 19-27 will be all the claims pending in the application.

In Paragraph No. 4 of the Office Action, claims 1, 4, 5, 7-13 and 15-18 have been rejected under 35 U.S.C. §103(a) as allegedly obvious over Yamaoka et al in view of Arakawa et al (US 5,264,281).

Applicants respectfully submit that the present claims as amended are patentable over the cited references. Applicants address the Examiner's points as follows.

(1) Difference between flexibility/elasticity and stress relaxation

With due respect, the Examiner seems to confuse flexibility/elasticity with stress relaxation. Applicants respectfully submit that the characteristics of flexibility/elasticity and stress relaxation are completely different from each other.

Yamaoka et al and Arakawa et al each describes the flexibility and the elasticity of a film. However, there is no explanation on these characteristics in the specifications of Yamaoka et al and Arakawa et al. Accordingly, it is reasonable to consider that the flexibility and the elasticity each represents the characteristic in a general sense, i.e., the magnitudes of stress and deformation when an external force is applied to an object.

On the other hand, the stress relaxation as used in the present invention is a characteristic which represents the variations in the value of stress with the passage of time, as described in the specification of the present application (page 26, 1st full paragraph). For this reason, the stress relaxation is different from the characteristics such as elasticity and flexibility, which represent only the magnitude of stress and the magnitude of deformation, respectively.

Yamaoka et al and Arakawa et al neither describe nor suggest the variations in the characteristic with the passage of time, i.e., stress relaxation. Accordingly, Applicants respectfully submit that the present invention, which has improved stress relaxation, would not have been obvious based on the teachings of the cited references.

Further, Applicants respectfully traverse the Examiner's assertion that Yamaoka et al discloses that a resin composition containing a polyolefin and a thermoplastic elastomer improves the flexibility, etc.

Yamaoka et al discloses a film excellent in flexibility, etc., which is a characteristic of the film as a whole (column 1, lines 45-47). However, Yamaoka et al does not describe or suggest that the elastomer contributes to the characteristic.

Further, as described in column 6, lines 55 to 62 of Yamaoka et al, the flexibility for the film as a whole can be brought out by the layer A. The layer A does not always contain the thermoplastic elastomer. Yamaoka et al does not describe that "the resin composition containing a polyolefin and a thermoplastic elastomer improves the flexibility, etc," as asserted by the Examiner.

(2) Explanation on relation between the constitution of the present invention and the stress relaxation

In the Amendment of December 18, 2003, Applicants argued that the film according to the present invention has excellent stress relaxation by selectively adding a specific filler and a thermoplastic elastomer in the layer A, but such stress relaxation cannot be expected by the film as described in Yamaoka et al. See pages 9 to 10 of the Amendment of December 18, 2003.

As indicated above, Applicants have in the present Amendment, amended claim 17 to specifically recite that the layer A of the base film comprises a thermoplastic elastomer and a

specific filler, and at least one of the layer A and the layer B comprises, as a thermoplastic elastomer, polyolefin thermoplastic elastomer.

On the other hand, Yamaoka et al discloses a thermoplastic elastomer, a styrene thermoplastic elastomer being the only specific example. Accordingly, Applicants respectfully submit that even if *arguendo* there might be motivation to combine the cited references and Applicants do not agree that adequate motivation has been established, the combination would not result in the present invention.

Further, the present invention provides excellent stress relaxation, as compared with that of the cited references. This is further demonstrated by the working Examples 1 to 4 in the specification of the present application as explained below.

In each of Examples 1 to 4, a three-layer sheet was prepared and the layer A of the base film contained a thermoplastic elastomer and talc or zeolite. In Examples 1, 3 and 4, at least one of the layer A and the layer B contained, as the thermoplastic elastomer, a polyolefin thermoplastic elastomer, which are the embodiments of the present invention. On the other hand, Example 2 wherein a styrene thermoplastic elastomer was used as the thermoplastic elastomer corresponds in this regard to an embodiment of the film described in Yamaoka et al.

The half-stress periods for the base films in Examples 1 to 4 are compared with one another. The half-stress period in Example 2 was 29 seconds whereas the half-stress periods in Examples 1, 3 and 4 were 14 to 16 seconds, which were about half of that in Example 2 (see

Table 3 in the specification of the present application). It is clear that the base film having the constitution of the present invention brings out excellent stress relaxation.

Accordingly, Applicants respectfully submit that the present invention is not obvious over the cited references, because it provides unexpected superior results.

(3) Explanation on addition of thermoplastic elastomer only in one of the layers B

In the Amendment of December 18, 2003, Applicants argued that "Yamaoka et al neither describes nor suggests that only one of the layers B contains a thermoplastic elastomer, and the present invention is unobvious over Yamaoka et al." See pages 11 to 12 of the Amendment of December 18, 2003.

Applicants wish to point out that the present invention relates to a rolled adhesive plaster, the base film of which does not contain any thermoplastic elastomer on the surface on which a pressure-sensitive adhesive layer is not formed, by which the adhesive performance is remarkably affected in this use.

As described on page 14, lines 1 to 12 in the specification of the present application, the rolled adhesive plaster according to the present invention is prepared by forming a pressure-sensitive adhesive layer on the layer B containing a thermoplastic elastomer of the base film. The constitution provides a good anchoring property between the layer B of the base material and the pressure-sensitive adhesive layer.

Further, the adhesive plaster is wound up to obtain a rolled adhesive plaster. When the thermoplastic elastomer is contained in the layer B on the backside of the adhesive plaster, the layer B on the backside of the adhesive plaster is closely adhered to the pressure-sensitive adhesive layer laminated thereon due to high cohesive force, and therefore it requires large strength to peel when used.

In order to prevent the problem from occurring, the rolled adhesive plaster of the present invention is characterized in that the layer B on the side of the base film on which the pressure-sensitive adhesive layer is not formed does not contain any thermoplastic elastomer. This constitution is important for the rolled adhesive plaster of the present invention.

On the other hand, Yamaoka et al describes in the claims and the specification in column 15, line 22 to column 16, line 4 thereof that the film as described in Yamaoka et al essentially uses, as both of the layers B, the resin composition layer containing the thermoplastic elastomer, which is a characteristic suitable for packaging film, etc., an object of Yamaoka et al.

Accordingly, Applicants respectfully submit that there is no suggestion or motivation to use, as the layer B on one side of the base film, a layer B not containing thermoplastic elastomer, based on the disclosure of the cited references.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the rejection.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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